

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America)

v.)

Juan Alberto Maldonado-Funes, a/k/a)
Elbin Antonio Sevilla-Barrios)

Case No. 18-M-1331

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 18, 2018 in the county of Racine in the
Eastern District of Wisconsin, the defendant(s) violated:

Code Section

Offense Description

Title 8, United States Code, Section
1326(a)

The defendant, an alien who previously had been removed from the United States, was found in the United States in Racine County, Wisconsin, without having obtained the express consent of the Attorney General of the United States, or his successor, the Secretary of the Department of Homeland Security, for application for re-admission into the United States. The defendant was ordered removed from the United States in 2011, and was physically removed to Honduras on or about April 29, 2011.

This criminal complaint is based on these facts:

see attached affidavit of Deportation Officer Michael Crabb

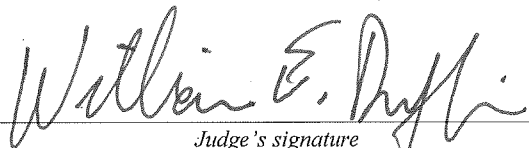
☒ Continued on the attached sheet.

Complainant's signature

Michael Crabb, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/30/2018City and state: Milwaukee, Wisconsin

Judge's signature

United States Magistrate Judge William E. Duffin

Printed name and title

AFFIDAVIT IN SUPPORT OF ARREST WARRANT AND CRIMINAL COMPLAINT

I, Deportation Officer Michael D. Crabb, first being duly sworn under oath, hereby depose and state as follows:

1. I am a Deportation Officer with U.S. Immigration and Customs Enforcement ("ICE") and have been so employed for approximately eleven years. I am presently assigned to the Fugitive-Operations program, which is responsible for the detection, interdiction, and apprehension of criminal aliens present within the United States. I have received training and possess experience in enforcing federal laws pertaining to crimes committed against the United States by criminal aliens, to include the investigation, detection, and interdiction thereof. I have also received specialized training relating to the Immigration and Nationality Act (INA), as amended. This affidavit is based on my own personal knowledge and information from investigative reports and information given to me by other law enforcement agents and officers, and personal review of documents and other information gathered in the course of this investigation. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the attached complaint, this affidavit does not set forth each and every fact I have learned in this investigation.

2. This affidavit is submitted in support of an arrest warrant and criminal complaint charging Juan Alberto MALDONADO-Funes, also known as Elbin Antonio SEVILLA-Barrios, with reentry into the United States after removal in violation of Title 8, United States Code, Section 1326(a).

3. In September 2018, Milwaukee ICE received information that MALDONADO-Funes, using the name Elbin Antonio SEVILLA-Barrios, had previously been arrested in Racine County, Wisconsin in 2015, had claimed to be foreign born, and was presently living in Racine.

4. I am in possession of MALDONADO-Funes' Alien Registration File (A-file), #89 709 284. The A-file is a collection of an alien's history maintained by the Department of Homeland Security. The A-file includes, but is not limited to, applications for residency, notice and order for removal, warrants of removal, fingerprints, photographs, and criminal history.

5. I have reviewed the A-file information in my possession, law enforcement indices, FBI rap sheets, fingerprints, documents, and other available information, which establish the following:

6. MALDONADO-Funes is a citizen of Honduras who claims to have first entered the United States on or about October 15, 1998, near Douglas, Arizona. At that time, MALDONADO-Funes was not inspected, admitted, or paroled into the United States by an Immigration officer, nor was he in possession of a valid visa or other document allowing him to lawfully enter or be in the United States.

7. MALDONADO-Funes has been convicted of multiple criminal offenses in the United States. Because he has used an alias, his criminal convictions are under either the name MALDONADO-Funes or SEVILLA-Barrios. His convictions are summarized below.

8. On July 27, 2000, MALDONADO-Funes was convicted of Driving while Ability Impaired by the Consumption of Alcohol in Suffolk County, New York. A sentence of time served was imposed for this offense.

9. On April 28, 2004, MALDONADO-Funes was convicted of 2nd Degree Assault in the Suffolk County Court in Suffolk County, New York. He received a sentence of one-year imprisonment.

10. On June 24, 2004, MALDONADO-Funes was convicted of Forgery in Suffolk County, New York. He received a sentence of one-year imprisonment.

11. On August 5, 2004, MALDONADO-Funes was convicted of Driving while Intoxicated in Suffolk County, New York. The disposition of this matter is unknown.

12. On July 7, 2010, MALDONADO-Funes was convicted of Driving Under the Influence in Zion, Illinois. A sentence of twelve months' supervision and a forfeiture was imposed for this offense.

13. On March 26, 2011, MALDONADO-Funes was arrested by the United States Border Patrol during a traffic stop near Washburn, North Dakota. MALDONADO-Funes claimed to be foreign born and was processed for administrative removal. MALDONADO-Funes was ordered removed from the United States by an Immigration Judge at Bloomington, Minnesota, on April 12, 2011. Pursuant to the removal order, MALDONADO-Funes was physically removed to Honduras via flight from Alexandria, Louisiana, on April 29, 2011.

14. Thereafter, MALDONADO-Funes reentered the United States on an unknown date at an unknown place. MALDONADO-Funes was not at that time inspected and admitted or paroled by a United States Customs and Border Protection Officer. MALDONADO-Funes was not in possession of a valid visa or other document allowing him to lawfully enter or be in the United States. MALDONADO-Funes did not apply for or receive permission from the United States Attorney General, or his successor the Secretary of Homeland Security, to reapply for admission to the United States.

15. In 2015, MALDONADO-Funes was arrested under the name SEVILLA-Barrios for Operating While Revoked (Revocation due to alcohol/controlled substance refusal) by the Racine County Sheriff's Department in Racine County Wisconsin. Because he was fingerprinted

and released without notification to ICE, a detainer was never lodged against him. This criminal case was resolved via guilty plea on December 16, 2015.

16. On October 18, 2018, MALDONADO-Funes was arrested and administratively detained by ICE officers following a traffic stop in Mount Pleasant, Wisconsin.

17. MALDONADO-Funes' most recent fingerprints were submitted to the IDENT and IAFIS databases and matches were obtained for MALDONADO-Funes' FBI number, criminal record, and Immigration history. Photographs contained in MALDONADO-Funes' A-file appear to depict the same individual who was found by ICE officers on October 18, 2018.

18. Based on the above-referenced information, there is probable cause to believe that Juan Alberto MALDONADO-Funes, also known as Elbin Antonio SEVILLA-Barrios, violated federal law, specifically Title 8, United States Code, Section 1326(a), by knowingly reentering the United States after having been removed, without lawful permission.